

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL SHERMAN,)	Civil No. 05-11545-NG
Plaintiff)	
v.)	
VISION LAB TELECOMMUNICATIONS,)	
INC., et al.,)	
Defendants)	

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM RE PLAINTIFF'S MOTION TO
ENTER DEFAULT OF DEFENDANT HIGHLAND MARKETING LLC [RULE 55(a)]

Now comes the Plaintiff and supplements his Motion to Enter Default of Defendant Highland Marketing LLC, filed herein on August 14, 2005, as follows.

The Plaintiff, by his attorney, has received the attached Return Receipt for International Mail. The Plaintiff says that said Receipt was affixed to a letter addressed to Defendant Highland Marketing LLC and containing a copy of the summons and complaint in this matter. The Receipt was stamped by the Gibraltar Post Office on August 24, 2005 and bears an illegible signature in the blank labeled "Signature of Addressee." The box labeled "The article mentioned above was duly delivered" is not checked. The box labeled "Office of Destination Employee Signature" is blank. The Plaintiff believes that the summons and complaint were actually delivered to Highland Marketing LLC in the care of its registered agent at Portland House, Glacis Road, Gibraltar and that the Gibraltar postal authorities omitted to check the box indicating delivery and to sign in the box labeled "Office of Destination Employee Signature."

The Plaintiff therefore renews his request that the court enter the default of Highland Marketing LLC on the alternative bases that (a) Highland was properly served by Federal Express on June 23, 2005, or (b) Highland was properly served by international

registered mail on August 24, 2005. In either case, the time for Highland to answer or otherwise defend has elapsed.

The Plaintiff says further that he believes one or more U.S. entities, including Champion Communications of Delray Beach, FL, are presently holding goods or credits standing in the name of Highland Marketing and that, following entry of default, he plans to seek a prejudgment attachment of such goods and credits.

Dated: September 19, 2005

MICHAEL SHERMAN, by his attorney,

/s/ Walter Oney

Walter Oney (BBO # 379795)

4 Longfellow Place

Boston, MA 02114

Tel: 617-227-5620

Fax: 617-227-5760

VERIFICATION

The undersigned certifies under the penalties of perjury that each of the exhibits annexed hereto are true and complete copies of what they purport to be and that each fact stated in this motion is true, except that, as to facts stated on information or belief, he believes them to be true.

Dated: September 19, 2005

/s/ Walter Oney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following parties by the method indicated:

By automatic electronic notice:

Richard M. Zielinski, Esq., Attorney for Vision Lab Telecommunications, Inc.

By first-class mail, postage prepaid:

(None)

Dated: September 19, 2005

/s/ Walter Oney

EXHIBIT A



Return Receipt for International Mail

(Registered, Insured, Recorded Delivery, Express Mail)

Administration
des Postes des
Etats-Unis
d'Amérique

Par Avion

Postmark of
the office
returning the
receipt
Timbre du
bureau
renvoyant
l'avis

Return by the quickest route (air or surface mail), a découvert and postage free	The sender completes and indicates the address for the return of this receipt. (A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)
Name or Firm (Nom ou raison sociale) <u>Walter Oney, Esq.</u>	
A renvoyer par la voie la plus rapide (aérienne ou de surface), à découvert et en franchise de port.	
Street and Number (Rue et no.) <u>4 Longfellow Place #3505</u>	
City, State, and ZIP + 4 (Localité et code postal) <u>Boston MA 02114</u>	
<u>USA</u>	
UNITED STATES OF AMERICA	
Etats-Unis d'Amérique	

PS Form 2865, February 1997

Avis de réception

CN07 (Old C5)

Completed by the office of origin. (A remplir par le bureau d'origine.)	Item Description (Nature de l'envoi)	Registered <input checked="" type="checkbox"/> Article (Envoi recommandé)	Letter <input type="checkbox"/> (Lettre)	Printed <input type="checkbox"/> Matter (Imprimé)	Other <input type="checkbox"/> (Autre)	Recorded Delivery <input type="checkbox"/> (Envoi à livraison attestée)	Express <input type="checkbox"/> Mail International
	<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)				Article Number <u>RB460204320US</u>	
	Office of Mailing (Bureau de dépôt)					Date of Posting (Date de dépôt) <u>JUL 15, 2005</u>	
	Addressee Name or Firm (Nom ou raison sociale du destinataire) <u>Highland Marketing LLC</u>						
Completed at destination. (A compléter à destination.)	Street and No. (Rue et No.) <u>Portland House</u>						
	Place and Country (Localité et pays) <u>Glaeis Road, Gibraltar</u>						
	This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)						
	<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)					Date	
Signature of Addressee (Signature du destinataire) <u>[Signature]</u>				Office of Destination Employee Signature (Signature de l'agent du bureau de destination) <u>[Signature]</u>			

PS Form 2865, February 1997 (Reverse)